

199202US-23-23-2XPCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIDEKI KINUGAWA ET AL : EXAMINER: PEZZUTO, R.
SERIAL NO: 09/700,729 :
FILED: NOVEMBER 30, 2000 : GROUP ART UNIT: 3671
FOR: SHOVEL :



REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Office Action dated October 11, 2001, Applicants request the reconsideration of the rejection of Claims 1-17, for the reasons set forth below.

Applicants are submitting a certified English translation of their priority Japanese application 11-093178, thereby perfecting their priority date of March 31, 1999. Since this is prior to the May 28, 1999 filing date of U.S. Patent 6,199,307, Applicants respectfully submit that the rejection of paragraph 5 of the Office Action is moot.

According to a feature of the invention as set forth in the claims, electric motors comprise a driving source which operate the lower traveling body, the upper turning body and each operating part of the excavation attachment of an excavator. For example, referring to the nonlimiting embodiment of the figures, a lower traveling body 1 comprises left and right crawler frames 4, and crawlers 5 driven by electric motors 6 and 7. Similarly, an electric motor 13 is provided for turning the upper turning body 2. Other electric motors are provided for the boom 15.

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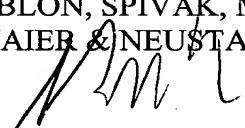
Claims 1-17 stand rejected under 35 U.S.C. §102 as being anticipated by the U.S. Patent to Ullmann. Of these, the sole independent Claim 1 recites that the electric motors of the excavator are driving sources to "operate the lower traveling body, the upper turning body and each operating part of the excavation attachment."

In contrast, Ullmann only describes the use of electric motors for the excavation attachment. Specifically, Ullmann describes an excavator including conventional crawler tracks 12 and a slew ring 13 (column 4, lines 2-3). However, the electric power units 40-42 are only described as being provided for the boom 30, the stick 31 and the shovel 32 (column 4, lines 29-33). **There is no description in Ullmann of electric motors for driving either the lower traveling body or the upper turning body.** In view of the failure of Ullmann to teach these features of the claimed invention, it is respectfully submitted that Ullmann fails to anticipate or render obvious the subject matter of Claim 1 or its dependent claims.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully requested,

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